

108TH CONGRESS
2D SESSION

H. R. 4175

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2004

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Veterans’ Compensation
5 Cost-of-Living Adjustment Act of 2004”.

6 **SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSA-**
7 **TION AND DEPENDENCY AND INDEMNITY**
8 **COMPENSATION.**

9 (a) RATE ADJUSTMENT.—The Secretary of Veterans
10 Affairs shall, effective on December 1, 2004, increase the
11 dollar amounts in effect for the payment of disability com-
12 pensation and dependency and indemnity compensation by
13 the Secretary, as specified in subsection (b).

14 (b) AMOUNTS TO BE INCREASED.—The dollar
15 amounts to be increased pursuant to subsection (a) are
16 the following:

17 (1) COMPENSATION.—Each of the dollar
18 amounts in effect under section 1114 of title 38,
19 United States Code.

20 (2) ADDITIONAL COMPENSATION FOR DEPEND-
21 ENTS.—Each of the dollar amounts in effect under
22 section 1115(1) of such title.

23 (3) CLOTHING ALLOWANCE.—The dollar
24 amount in effect under section 1162 of such title.

1 (4) NEW DIC RATES.—The dollar amounts in
2 effect under paragraphs (1) and (2) of section
3 1311(a) of such title.

4 (5) OLD DIC RATES.—Each of the dollar
5 amounts in effect under section 1311(a)(3) of such
6 title.

7 (6) ADDITIONAL DIC FOR SURVIVING SPOUSES
8 WITH MINOR CHILDREN.—The dollar amount in ef-
9 fect under section 1311(b) of such title.

10 (7) ADDITIONAL DIC FOR DISABILITY.—The
11 dollar amounts in effect under sections 1311(c) and
12 1311(d) of such title.

13 (8) DIC FOR DEPENDENT CHILDREN.—The dol-
14 lar amounts in effect under sections 1313(a) and
15 1314 of such title.

16 (c) DETERMINATION OF INCREASE.—(1) The in-
17 crease under subsection (a) shall be made in the dollar
18 amounts specified in subsection (b) as in effect on Novem-
19 ber 30, 2004.

20 (2) Except as provided in paragraph (3), each such
21 amount shall be increased by the same percentage as the
22 percentage by which benefit amounts payable under title
23 II of the Social Security Act (42 U.S.C. 401 et seq.) are
24 increased effective December 1, 2004, as a result of a de-

1 termination under section 215(i) of such Act (42 U.S.C.
2 415(i)).

3 (3) Each dollar amount increased pursuant to para-
4 graph (2) shall, if not a whole dollar amount, be rounded
5 down to the next lower whole dollar amount.

6 (d) SPECIAL RULE.—The Secretary may adjust ad-
7 ministratively, consistent with the increases made under
8 subsection (a), the rates of disability compensation pay-
9 able to persons within the purview of section 10 of Public
10 Law 85–857 (72 Stat. 1263) who are not in receipt of
11 compensation payable pursuant to chapter 11 of title 38,
12 United States Code.

13 **SEC. 3. PUBLICATION OF ADJUSTED RATES.**

14 At the same time as the matters specified in section
15 215(i)(2)(D) of the Social Security Act (42 U.S.C.
16 415(i)(2)(D)) are required to be published by reason of
17 a determination made under section 215(i) of such Act
18 during fiscal year 2005, the Secretary of Veterans Affairs
19 shall publish in the Federal Register the amounts specified
20 in subsection (b) of section 2, as increased pursuant to
21 that section.

1 **SEC. 4. IMPROVED BENEFITS FOR FORMER PRISONERS OF**
2 **WAR.**

3 Section 1112(b)(3) of title 38, United States Code,
4 is amended by adding at the end the following new sub-
5 paragraph:

6 “(L) Osteoporosis.”.

7 **SEC. 5. CODIFICATION OF COST-OF-LIVING ADJUSTMENT**
8 **PROVIDED IN PUBLIC LAW 108–47.**

9 (a) **VETERANS’ DISABILITY COMPENSATION.**—Sec-
10 tion 1114 of title 38, United States Code, is amended—

11 (1) by striking “\$104” in subsection (a) and in-
12 serting “\$106”;

13 (2) by striking “\$201” in subsection (b) and in-
14 serting “\$205”;

15 (3) by striking “\$310” in subsection (c) and in-
16 serting “\$316”;

17 (4) by striking “\$445” in subsection (d) and in-
18 serting “\$454”;

19 (5) by striking “\$633” in subsection (e) and in-
20 serting “\$646”;

21 (6) by striking “\$801” in subsection (f) and in-
22 serting “\$817”;

23 (7) by striking “\$1,008” in subsection (g) and
24 inserting “\$1,029”;

25 (8) by striking “\$1,171” in subsection (h) and
26 inserting “\$1,195”;

1 (9) by striking “\$1,317” in subsection (i) and
2 inserting “\$1,344”;

3 (10) by striking “\$2,193” in subsection (j) and
4 inserting “\$2,239”;

5 (11) in subsection (k)—

6 (A) by striking “\$81” both places it ap-
7 pears and inserting “\$82”; and

8 (B) by striking “\$2,728” and “\$3,827”
9 and inserting “\$2,785” and “\$3,907”, respec-
10 tively;

11 (12) by striking “\$2,728” in subsection (l) and
12 inserting “\$2,785”;

13 (13) by striking “\$3,010” in subsection (m)
14 and inserting “\$3,073”;

15 (14) by striking “\$3,425” in subsection (n) and
16 inserting “\$3,496”;

17 (15) by striking “\$3,827” each place it appears
18 in subsections (o) and (p) and inserting “\$3,907”;

19 (16) by striking “\$1,643” and “\$2,446” in sub-
20 section (r) and inserting “\$1,677” and “\$2,497”,
21 respectively; and

22 (17) by striking “\$2,455” in subsection (s) and
23 inserting “\$2,506”.

24 (b) ADDITIONAL COMPENSATION FOR DEPEND-
25 ENTS.—Section 1115(1) of such title is amended—

1 (1) by striking “\$125” in subparagraph (A)
2 and inserting “\$127”;

3 (2) by striking “\$215” and “\$64” in subpara-
4 graph (B) and inserting “\$219” and “\$65”, respec-
5 tively;

6 (3) by striking “\$85” and “\$64” in subpara-
7 graph (C) and inserting “\$86” and “\$65”, respec-
8 tively;

9 (4) by striking “\$101” in subparagraph (D)
10 and inserting “\$103”;

11 (5) by striking “\$237” in subparagraph (E)
12 and inserting “\$241”; and

13 (6) by striking “\$198” in subparagraph (F)
14 and inserting “\$202”.

15 (c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED
16 VETERANS.—Section 1162 of such title is amended by
17 striking “\$588” and inserting “\$600”.

18 (d) DEPENDENCY AND INDEMNITY COMPENSATION
19 FOR SURVIVING SPOUSES.—(1) Section 1311(a) of such
20 title is amended—

21 (A) by striking “\$948” in paragraph (1) and
22 inserting “\$967”; and

23 (B) by striking “\$204” in paragraph (2) and
24 inserting “\$208”.

- (2) The table in section 1311(a)(3) of such title is amended to read as follows:

“Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	\$967	W-4	\$1,157
E-2	\$967	O-1	\$1,022
E-3	\$967	O-2	\$1,056
E-4	\$967	O-3	\$1,130
E-5	\$967	O-4	\$1,195
E-6	\$967	O-5	\$1,316
E-7	\$1,000	O-6	\$1,483
E-8	\$1,056	O-7	\$1,602
E-9	\$1,102 ¹	O-8	\$1,758
W-1	\$1,022	O-9	\$1,881
W-2	\$1,063	O-10	\$2,063 ²
W-3	\$1,094		

¹ If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,189.

² If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$2,213.”.

- (3) Section 1311(b) of such title is amended by striking “\$237” and inserting “\$241”.

- (4) Section 1311(c) of such title is amended by striking “\$237” and inserting “\$241”.

- (5) Section 1311(d) of such title is amended by striking “\$113” and inserting “\$115”.

- (e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—(1) Section 1313(a) of such title is amended—

- (A) by striking “\$402” in paragraph (1) and inserting “\$410”;

- (B) by striking “\$578” in paragraph (2) and inserting “\$590”;

1 (C) by striking “\$752” in paragraph (3) and
2 inserting “\$767”; and

3 (D) by striking “\$752” and “\$145” in para-
4 graph (4) and inserting “\$767” and “\$148”, respec-
5 tively.

6 (2) Section 1314 of such title is amended—

7 (A) by striking “\$237” in subsection (a) and
8 inserting “\$241”;

9 (B) by striking “\$402” in subsection (b) and
10 inserting “\$410”; and

11 (C) by striking “\$201” in subsection (c) and in-
12 serting “\$205”.

Passed the House of Representatives July 22, 2004.

Attest:

JEFF TRANDAHL,

Clerk.